

# EXHIBIT A

<b>STATE OF SOUTH CAROLINA</b>	)	<b>IN THE COURT OF COMMON PLEAS</b>
<b>COUNTY OF YORK</b>	)	<b>SIXTEENTH JUDICIAL CIRCUIT</b>
	)	
<b>AILINDA FERGUSON</b>	)	
	)	<b>SUMMONS AND COMPLAINT</b>
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil File No:</b>
	)	
<b>LIDL US, LLC and</b>	)	
<b>JOHN DOE,</b>	)	
	)	
<b>Defendants.</b>	)	<b>DEMAND FOR JURY TRIAL</b>

TO THE DEFENDANT LIDL US, LLC:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

This the       day of August 2020.

Respectfully submitted,

MONGE & ASSOCIATES,

*/s/ Amir Nowroozzadeh*

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Amir Nowroozzadeh, Esq.  
South Carolina State Bar No. 100712  
Attorney for Plaintiff

8205 Dunwoody Place  
Building 19  
Atlanta, Georgia 30350  
800-899-5750  
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**IN THE COURT OF COMMON PLEAS  
SIXTEENTH JUDICIAL CIRCUIT**

## SUMMONS AND COMPLAINT

**Civil File No:**

## DEMAND FOR JURY TRIAL

## DEMAND FOR JURY TRIAL

**Defendants.**

## DEMAND FOR JURY TRIAL

## DEMAND FOR JURY TRIAL

1. Plaintiff is a citizen and resident of the City of Fort Mill, York County, State of South Carolina.
2. Defendant, LIDL US, LLC, (hereinafter “Defendant LIDL”) upon information and belief, is Foreign, Limited Liability Company, doing business in Rock Hill, York County, State of South Carolina.
3. Defendant, John Doe, is unidentified and unknown at this time.
4. That the substantial acts and omissions alleged herein occurred in Rock Hill, York County, State of South Carolina.
5. On or around September 11, 2019, Plaintiff was a business invitee at of LIDL located at 1260 Herrons Ferry Road, Rock Hill, York County, South Carolina 29730.
6. On or around September 11, 2019, Plaintiff was a business invitee at of LIDL located at 1260 Herrons Ferry Road, Rock Hill, York County, South Carolina 29730, while walking in the produce section of Lidl, Plaintiff slip and fell on grapes on the floor.

7. On or around September 11, 2019, Plaintiff entered the front entrance and while shopping slipped and fell on grapes left on the floor in the produce section of the LIDL store.
8. On or around September 11, 2019, Plaintiff entered the front entrance and while shopping slipped and fell on grapes left on the floor in the produce section of the LIDL store, Defendants did not utilize a warning sign to notify Plaintiff of the danger.
9. Defendants were negligent, grossly negligent, careless, reckless, negligent per se, willful and wanton in one or more of the following ways:
  - (a) had non-delegable duty to maintain safe premises to the Plaintiff and breached this duty;
  - (b) had actual and/or constructive knowledge of the hazardous condition of the floor.  
Specifically, at least one (1) employee, Defendant John Doe was working in the area of Plaintiff's fall.
  - (c) Failing to exercise the degree of care which a reasonable and prudent person would have exercised under the same or similar circumstances;
10. As the direct and proximate result of the aforesaid negligence, grossly negligent, careless, reckless, negligent per se, willful and wonton acts or omissions of the Defendants, Plaintiff suffered great and permanent physical harm and injury from slipping and falling on grapes in the produce section, all of which has and will, upon information and belief, in the future cause Plaintiff to undergo arthroscopic partial medial and lateral menisectomies of the left knee surgery, much physical pain, suffering, and mental anguish, and has and will, upon information and belief, in the future cause Plaintiff to have to spend money for medicine and medical services.
11. Plaintiff has incurred treatment expenses in an amount in excess of \$10,252.00 to date as a result of this incident.

12. The Plaintiff is informed and believes that she is entitled to a trial by jury, judgment on causes of action for actual damages against the Defendants that a trier of fact may determine, together with the costs of this action and for such other relief as this Court may deem just and proper.

13. The Defendants or their agent have acted in bad faith, been stubbornly litigious or otherwise caused the Plaintiff unnecessary trouble and expense which authorizes an award of the expenses of litigation, including reasonable attorney fees.

WHEREFORE, Plaintiff having set forth the facts and circumstances in support of this cause of action, respectfully request that he be GRANTED:

- (a) A trial by jury;
- (b) Compensatory damages in an amount to be determined at trial;
- (c) Expenses of litigation, including reasonable attorney fees;
- (d) Such other relief as this Court may deem fair and reasonable.

This the 21<sup>st</sup> day of August 2020.

Respectfully submitted,

MONGE & ASSOCIATES,

*/s/ Amir Nowroozzadeh*

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Amir Nowroozzadeh, Esq.  
South Carolina State Bar No. 100712  
Attorney for Plaintiff

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Atlanta, Georgia 30350  
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**Office of the Sheriff**  
**LEXINGTON COUNTY**  
**Bryan "Jay" Koon**

State Of SOUTH CAROLINA )  
COUNTY OF LEXINGTON )

Affidavit of Service

Case #:2020CP4602461

AILINDA FERGUSON

-vs-

LIDL US LLC

The undersigned, being duly sworn, says on oath that he/she served the SUMM.COMPLAINT.PLT 1ST INTERRG.PLT REQ FOR PROD/ADMISSION in this action by delivering same to: AGENT FOR SERVICE, SAVANNAH POPE PERSONAL SERVICE And leaving with him/her one copy of same at 508 MEETING ST WEST COLUMBIA SC 29169 on the 22 of October, 2020 at 10:25 Hrs. And that Defendant/Respondent is not a member of the U.S. Forces.

Signed   
NATHANIEL COLLINS, SERGEANT, LCSD

Sworn to before me on this  
26 day of October, 2020

  
Notary Public for South Carolina  
My Commission Expires: 2.25.26



A Nationally Accredited Law Enforcement Agency  
P.O. Box 639 Lexington, South Carolina 29071 (803) 785-8230, Fax (803) 785-1162

**IN THE COURT OF COMMON PLEAS  
SIXTEENTH JUDICIAL CIRCUIT**

**Plaintiff,**

**v.**

**Civil File No:**

**LIDL US, LLC and  
JOHN DOE,**

**Defendants.**

## DEMAND FOR JURY TRIAL

**TO THE DEFENDANT LIDL US, LLC:**

**PLAINTIFF'S FIRST INTERROGATORIES TO DEFENDANT LIDL US, LLC**

NOW COMES Ailinda Ferguson (hereinafter “Plaintiff”) pursuant to the South Carolina Rules of Civil Procedure and serves these Interrogatories to LIDL US, LLC, (hereinafter “Defendant LIDI”) and requests that they be answered fully, in writing and under oath, within thirty (30) days of the service hereof as prescribed in said Rule.

These interrogatories shall be deemed continuing so as to require supplemental answers if the Defendant obtains further or different information between the time responses are served and the time of trial, as required by law.

## DEFINITIONS

As used herein, the terms listed below are defined as follows:

1. "Document" shall mean every writing and record of every type and description that is or has been in the Defendant's possession, custody, or control or of which the Defendant has knowledge, including but not limited to correspondence, memoranda, email, tapes, stenographic or handwritten notes, studies, publications, books, pamphlets, voice recordings, minutes or statistical compilations, or any other recorded or graphic material in whatever form, including drafts and reproductions.

2. "Person" shall mean any natural person, corporation, partnership, proprietorship, association, governmental entity, agency, group, organization, or group of persons.

3. To "identify" a "document" shall mean to provide the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- (a) The title or other means of identification of each such document;
- (b) The date of each such document;
- (c) The author of each such document;
- (d) The recipient or recipients of each such document, including but not limited to the Defendant or anyone who purports to represent Defendant;
- (e) The present location of any and all copies of each such document in the care, custody, or control of the Defendant.
- (f) The names and current addresses of any and all persons who have custody or control of each such document or copies thereof; and
- (g) If all copies of the document have been destroyed, the names and current addresses of the person or persons authorizing the destruction of the document and the date the document was destroyed.

4. To "identify" a natural person means to state that person's full name, title or affiliation, and last known address and telephone number. To "identify" a person that is a business, organization, or group of persons means to state the full name of such business, organization, or group of persons, the form of the business, organization, or group of persons and to "identify" the natural person who would have knowledge of the information sought by the interrogatory.

5. "Relate to" or "related to" shall mean relating to, reflecting, concerning, or evidencing in any way.



6. "Complaint" refers to the Complaint filed by Plaintiff in this action.

7. If any interrogatory cannot be answered in full, answer to the extent possible and specify reasons for the inability to answer.

#### INTERROGATORIES

1.

State the name and address of any person, including any party, who, to your knowledge, information or belief:

- a. Was an eyewitness to the incident complained of in this action;
- b. Has some knowledge of any fact or circumstance upon which your defense is based;
- c. Has conducted any investigation relating to the incident complained of or the background, employment, medical history or activities of the Plaintiff.

2.

To your knowledge, information or belief, has any person identified in answering the preceding interrogatory given any statement or report in connection with this action? If so, describe such statement or report and give the name and address of the person having custody and control thereof.

3.

Please identify any entity or person with any financial interest, lease or ownership interest in the premises where the incident occurred on the date of the incident.

4.

To your knowledge, information or belief, are there any videotapes, photographs, plats or drawings of the scene of the incident referred to in the Complaint? If so, please describe such

videotapes, photographs, plats or drawings and give the name and address of the person having custody and control thereof.

5.

Have there been any incidents involving falls at the store or approaches to the store for the five-year period preceding this incident and the one-year period subsequent to this incident? If so, please state:

- a. Date of the incident;
- b. Name, address and telephone phone number of the injured person;
- c. Description of the incident.

6.

Please state the identity of each person working on the premises with any duties for the area where the incident occurred on the date of this incident.

7.

Has any entity issued a policy of liability insurance to the Defendant? If so, state the names of all insurers providing liability insurance and give the limits of coverage of each such policy.

8.

Has any insurer referred to above denied coverage or reserved its right to later deny coverage under any such policy of liability insurance? If so, please explain.

9.

Do you contend that the Plaintiff caused or contributed to the incident in question? If so, state with particularity each and every contention made in this regard.

10.

If you intend to call any expert or technician as a witness at the trial of this action, state the subject matter on which he/she is expected to testify and state in detail the opinions held by each such expert or technician and give a complete summary of the grounds for each opinion held.

11.

Please state in detail any policies and procedures concerning the inspection, cleaning or maintenance of the area where this incident occurred.

12.

In regard to any document that has not been produced on grounds of privilege, please state the following:

- a. The date each document was generated;
- b. The person generating each document;
- c. The present custodian of each document;
- d. A description of each document.

13.

Please identify each and every person working for LIDL located at 1260 Herrons Ferry Road, Rock Hill, York County, South Carolina 29730. on the premises where this incident occurred on the day of the incident described in the Complaint, including the person's name, current address, current employer and telephone number.

14.

Have there ever been any complaints made about the area where this incident occurred? If so, please state:

- a. The date(s) of each complaint;

- b. The person(s) making each complaint;
- c. The nature of each complaint;
- d. Any action taken as a result of each complaint.

15.

Were there any contracts or agreements with other individuals or entities regarding the maintenance, inspection or security of the property where the Plaintiff fell as described in the Complaint? If so, state;

- a. The indemnity of the contracting parties;
- b. The address and telephone number of the contracting parties;
- c. The duties of the contracting parties.

16.

Please identify each and every witness or employee in the vicinity of the area where the Plaintiff fell at the time of the incident. In regard to each employee, please state:

- a. The name of the person;
- b. The address of each person;
- c. The telephone number of each person;
- d. The shift worked by each person if any employee;
- e. The job duties and responsibilities of each person if an employee.

17.

Please describe any inspection procedures utilized in regard to the area where this incident occurred.

18.

Has there been any audits, inspections or evaluations of the area where the Plaintiff fell for the past five years?

This the 21<sup>st</sup> day of August 2020.

Respectfully submitted,

MONGE & ASSOCIATES,

*/s/ Amir Nowroozzadeh*

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Amir Nowroozzadeh, Esq.  
South Carolina State Bar No. 100712  
Attorney for Plaintiff

8205 Dunwoody Place  
Building 19  
Atlanta, Georgia 30350  
800-899-5750  
[Amir@Monge.Lawyer](mailto:Amir@Monge.Lawyer)

<b>STATE OF SOUTH CAROLINA</b>	)	<b>IN THE COURT OF COMMON PLEAS</b>
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<b>AILINDA FERGUSON</b>	)	
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<b>Plaintiff,</b>	)	
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<b>v.</b>	)	<b>Civil File No:</b>
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<b>LIDL US, LLC and</b>	)	
<b>JOHN DOE,</b>	)	
	)	
<b>Defendants.</b>	)	<b>DEMAND FOR JURY TRIAL</b>

**TO THE DEFENDANT LIDL US, LLC:**

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**  
**TO DEFENDANT LIDL US, LLC**

NOW COMES Ailinda Ferguson (hereinafter "Plaintiff") pursuant to the South Carolina Rules of Civil Procedure and serves these Request for Production of Documents to LIDL US, LLC, (hereinafter "Defendant LIDL") and requests that they be answered fully, in writing and under oath, within thirty (30) days of the service hereof as prescribed in said Rule.

These requests shall be deemed continuing so as to require supplemental answers if the Defendant obtains further or different information between the time responses are served and the time of trial, as required by law.

When used in the Request for Production of Documents, the identity "Defendants" or any synonym thereof is intended to and shall embrace and include, in addition to said entity, Counsel for LIDL US, LLC, and all agents, servants, employees, representatives, private investigators, and others who are in possession of or may have obtained information for or on behalf of Defendant.

This Request for the Production of Documents shall be deemed continuing, and supplemental answers shall be required if the Defendant either directly or indirectly obtains further information of the nature sought herein between the time that this Request is responded to and the

time of the trial. These documents shall be produced to the Plaintiff at 10:00 a.m. on the first business day following the 30th day after service of this Request, unless other arrangements are made between the parties.

#### REQUESTS

1.

Please produce all statements or reports with regards to the incident in question.

2.

Please produce all videotapes, photographs, plats and drawings with regards to the incident in question.

3.

Please produce any incident report, memoranda, handwritten note or other documents or materials with regards to the incident in question.

4.

Please produce any videotape, photographs, report, data, memoranda, handwritten notes or other documents reviewed or generated by any individual with regards to the incident in question.

5.

Please produce any documents obtained through a request for production of documents or subpoena with regards to the incident in question.

6.

Please produce any and all guidelines, manuals, memoranda or other documents evidencing any policy or procedure for cleaning floors for LIDL US, LLC.

7.

Please produce any and all policy and procedure manual given to LIDL US, LLC. employees.

8.

Please produce any and all videotapes, photographs, correspondence, memoranda, records, files, or other documents or tangible evidence concerning, referencing or depicting the Plaintiff or the incident in question.

9.

Please produce the payroll records for the LIDL US, LLC. employees on the premises for the day of the incident and the one-week period prior to and subsequent to the incident.

10.

Please produce any correspondence, memoranda, report, record or other documents concerning, referencing or depicting any complaints made about the area where the incident occurred.

11.

Please produce any incident report or other report concerning the incident described in the Complaint.

12.

Please produce any maps, schematics, diagrams, drawings or other similar documents showing the layout of the area where this incident occurred.

13.

Please produce any and all leases and contracts with outside contractors or agencies for performance of maintenance services in the area where the Plaintiff fell.



14.

Please produce any and all e-mail, interoffice correspondence, memoranda, report, telephone log, message or other documents concerning the Plaintiff.

15.

Please produce any and all invoices, records, proposals, work orders, maintenance records or other documents for work performed in the area where this incident occurred in the past five (5) years.

16.

Please produce any changes made to policies, procedures, protocols, rules, regulations and guidelines since this incident.

17.

Please produce all surveillance videos taken inside and outside of LIDL US, LLC, Inc on the day of the incident.

18.

Please produce any and all maintenance records, work orders or other documents concerning the area where this incident occurred for the past five (5) years.

19.

Please produce any and all daily, weekly, monthly or annual inspection reports or audits or any other inspection reports for the area where this incident occurred for the past five (5) years.

20.

Please produce any and all invoices, receipts, change orders, work orders, spreadsheets, compute documents or other records concerning any audits, evaluations, maintenance, cleaning or inspections of the area where the Plaintiff fell for the past five (5) years.

This the 21<sup>st</sup> day of August 2020.

Respectfully submitted,

MONGE & ASSOCIATES,

*/s/ Amir Nowroozzadeh*

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Amir Nowroozzadeh, Esq.  
South Carolina State Bar No. 100712  
Attorney for Plaintiff

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Atlanta, Georgia 30350  
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<b>COUNTY OF YORK</b>	)	<b>SIXTEENTH JUDICIAL CIRCUIT</b>
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<b>AILINDA FERGUSON</b>	)	
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<b>Plaintiff,</b>	)	
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<b>v.</b>	)	<b>Civil File No:</b>
	)	
<b>LIDL US, LLC and</b>	)	
<b>JOHN DOE,</b>	)	
	)	
<b>Defendants.</b>	)	<b>DEMAND FOR JURY TRIAL</b>

**TO THE DEFENDANT LIDL US, LLC:**

**PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT LIDL US, LLC**

NOW COMES Ailinda Ferguson (hereinafter "Plaintiff") pursuant to the South Carolina Rules of Civil Procedure and serves these Request for Admissions to LIDL US, LLC, (hereinafter "Defendant LIDL") and requests that they be answered fully, in writing and under oath, within thirty (30) days of the service hereof as prescribed in said Rule.

These interrogatories shall be deemed continuing so as to require supplemental answers if the Defendant obtains further or different information between the time responses are served and the time of trial, as required by law.

**REQUESTS FOR ADMISSIONS**

1.

Please admit that the Defendant have been properly served with the Summons and Complaint as required by law.

2.

Please admit that this court has personal jurisdiction over the Defendants.

3.

Please admit that this court has subject-matter jurisdiction in this case.

4.

Please admit that venue is proper in this court.

5.

Please admit that the Defendants do not have any defense based on insufficiency of process or insufficiency of service of process.

6.

Please admit the incident giving rise to the subject action occurred on September 11, 2019.

7.

Please admit that LIDL US, LLC is a proper party to this action.

8.

Please admit that the Defendants were negligent per se in causing the Plaintiff's subject injuries.

9.

Please admit that the Plaintiff was physically injured as a result of the incident.

10.

Please admit that you or someone on your behalf has obtained copies of the Plaintiff's medical records to show Plaintiff was physically injured in the incident.

11.

Please admit that you or someone on your behalf has conducted surveillance on the Plaintiff.

12.

Please admit that you or someone on your behalf has conducted a background check on the Plaintiff.

13.

Please admit that LIDL US, LLC has no written report of the September 11, 2019 incident involving Ailinda Ferguson at the LIDL US, LLC store located at 1260 Herrons Ferry Road, Rock Hill, York County, South Carolina 29730.

18.

Please admit that LIDL US, LLC has not preserved the video tape evidence of the September 11, 2019 incident involving Ailinda Ferguson at the LIDL US, LLC store located at 1260 Herrons Ferry Road, Rock Hill, York County, South Carolina 29730.

This the 21<sup>st</sup> day of August 2020.

Respectfully submitted,

MONGE & ASSOCIATES,

*/s/ Amir Nowroozzadeh*

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Amir Nowroozzadeh, Esq.  
South Carolina State Bar No. 100712  
Attorney for Plaintiff

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